



UNITED STATES DISTRICT COURT
IN THE EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

P J COTTER,

Plaintiff,

v.

U.S. BANK, N.A. AS TRUSTEE FOR
GREENPOINT MORTGAGE
FUNDING TRUST MORTGAGE
PASS-THROUGH CERTIFICATES,
SERIES 2006-AR4; OCWEN LOAN
SERVICING, LLC; and TROTT LAW,
P.C.,

Defendants.

Case No. 16-13080

Honorable Sean F. Cox

Magistrate Judge Anthony P. Patti

FILED
CLERK'S OFFICE
OCT 21 2016
U.S. DISTRICT COURT
EASTERN MICHIGAN

PLAINTIFF'S MOTION TO
(1) VACATE THE COURT'S ORDER DENYING HIS EMERGENCY MOTION
FOR TEMPORARY RESTRAINING ORDER
AND PRELIMINARY INJUNCTION AND
(2) GRANT HIS MOTION TO WITHDRAW THE EMERGENCY MOTION

Plaintiff, P J Cotter, ("Mr. Cotter") respectfully moves the court to vacate its October 13, 2016, Order as premature, (Doc # 15) and grant his October 17, 2016 Motion to withdraw.

Mr. Cotter **objects** to the issuance of the Court's Order as it is violative of the local rules. E. D. Mich. LR 7.1 (e)(2)(C) provides, "*If filed, a reply brief*


supporting a nondispositive motion must be filed within 7 days after service of the response." Mr. Cotter contends the order could not be issued until the seven days, adjusted for service by mail, window had elapsed.

See Mr. Cotter's, Brief in Support of this Motion.

Pursuant to E. D. Mich. LR 7.1 Mr. Cotter

WHEREFORE Plaintiff, P J Cotter, moves the Court to vacate its October 13, 2016 Order and grant Plaintiff's proposed order filed with this Motion to Withdraw.

Respectfully submitted,

By: 
P J Cotter, Pro se
PO Box 131
Anchorville, MI 48004
810-459-6972
pocmich@yahoo.com

Date: October 24, 2016

CERTIFICATE OF SERVICE

I hereby certify that on October 24, 2016, I filed a hardcopy of the foregoing document with the Clerk of the Court, which will send notification of such filing to all registered recipients, and upon the following by first-class United States mail, with postage prepaid:

Nasseem S. Ramin
DYKEMA GOSSETT PLLC
400 Renaissance Center, 37th Floor
Detroit, MI 48243
nramin@dykema.com

Paul J. Santi
TROTT LAW, P.C.
31440 Northwestern Hwy
Suite 200
Farmington Hills, MI 48334
psanti@trottlaw.com

Advance courtesy copies were sent to the email addresses above.



P J Cotter, Pro se
PO Box 131
Anchorville, MI 48004
810-459-6972
pocmich@yahoo.com

**UNITED STATES DISTRICT COURT
IN THE EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION**

P J COTTER,

Plaintiff,

v.

U.S. BANK, N.A. AS TRUSTEE FOR
GREENPOINT MORTGAGE
FUNDING TRUST MORTGAGE
PASS-THROUGH CERTIFICATES,
SERIES 2006-AR4; OCWEN LOAN
SERVICING, LLC; and TROTT LAW,
P.C.,

Defendants.

Case No. 16-13080

Honorable Sean F. Cox

Magistrate Judge Anthony P. Patti

PLAINTIFF'S BRIEF IN SUPPORT OF HIS MOTION TO
(1) VACATE THE COURT'S ORDER DENYING HIS EMERGENCY MOTION
FOR TEMPORARY RESTRAINING ORDER
AND PRELIMINARY INJUNCTION AND
(2) GRANT HIS MOTION TO WITHDRAW THE EMERGENCY MOTION

Plaintiff, P J Cotter, ("Mr. Cotter") respectfully moves the court to vacate its October 13, 2016, Order as premature, (Doc # 15) and grant his October 17, 2016 Motion to withdraw.

Mr. Cotter **objects** to the issuance of the Court's Order as it is violative of the local rules. E. D. Mich. LR 7.1 (e)(2)(C) provides, *"If filed, a reply brief*

supporting a nondispositive motion must be filed within 7 days after service of the response." Mr. Cotter contends the order could not be issued until the seven days, adjusted for service by mail, window had elapsed.

ARGUMENT AND BACKGROUND

Mr. Cotter was unaware of, and deprived of, an opportunity to reply to the Defendants' Opposition.

After receiving email stating the property would not be sold and seeing that Ms. McCoy, Case Manager to the Honorable Sean F. Cox was copied, Mr. Cotter opted to withdraw his Emergency Motion

The Defendants filed their Opposition on October 12, 2016. The Court prepared and signed its Order the following day. (See Exhibit 29, Calendar - Visual Aid.)

Mr. Cotter was unaware of the Defendants' Opposition and the Order while preparing his Motion to Withdraw within the window provided by E. D. Mich. LR 7.1 (e)(2)(C).

On October 17, 2016, Mr. Cotter physically filed his Withdrawal with the Clerk and served the Defendants by mail.

Mr. Cotter received the Defendants' Opposition and the Order in the mail after returning from the Clerk's office.

CONCLUSION

The Order was premature under E. D. Mich. LR 7.1 (e)(2)(C) and is moot since Mr. Cotter moved to withdraw his Emergency Motion within the same time period allowed for a reply.

WHEREFORE Plaintiff, P J Cotter, moves the Court to vacate its October 13, 2016 Order and grant Plaintiff's proposed order filed with this Motion to Withdraw.

Respectfully submitted,

By:
P J Cotter, Pro se
PO Box 131
Anchorville, MI 48004
810-459-6972
pocmich@yahoo.com

Date: October 24, 2016

CERTIFICATE OF SERVICE

I hereby certify that on October 24, 2016, I filed a hardcopy of the foregoing document with the Clerk of the Court, which will send notification of such filing to all registered recipients, and upon the following by first-class United States mail, with postage prepaid:

Nasseem S. Ramin
DYKEMA GOSSETT PLLC
400 Renaissance Center, 37th Floor
Detroit, MI 48243
nramin@dykema.com

Paul J. Santi
TROTT LAW, P.C.
31440 Northwestern Hwy
Suite 200
Farmington Hills, MI 48334
psanti@trottlaw.com

Advance courtesy copies were sent to the email addresses above.



P J Cotter, Pro se
PO Box 131
Anchorville, MI 48004
810-459-6972
pocmich@yahoo.com

